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Attorneys for Defendant

SAFEWAY INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

IKUKO MUTO,

Plaintiff,

vs.

SAFEWAY, INC., JOHN DOES 1-10,  
JANE DOES 1-10; DOE  
CORPORATIONS 1-10; DOE  
PARTNERSHIPS 1-10; DOE JOINT  
VENTURES 1-10; and DOE  
GOVERNMENTAL ENTITIES 1-10,  
inclusive,

Defendants.

CIVIL NO. \_\_\_\_\_  
(Hilo)(Other Non-Vehicle Tort)

**NOTICE OF REMOVAL;  
EXHIBITS "A" TO "B";  
CERTIFICATE OF SERVICE**

**NOTICE OF REMOVAL**

TO THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII:

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant SAFEWAY INC. (hereinafter “SAFEWAY”) files this Notice of Removal in the case now pending in the Circuit Court of the Third Circuit, State of Hawaii, styled Ikuko Muto vs. Safeway Inc., et al., Civil No. 17-1-0188. As grounds for removal, SAFEWAY states as follows:

1. On June 10, 2017, Plaintiff IKUKO MUTO (“PLAINTIFF”) filed a complaint in Civil No. 17-1-0763-05 (VLC) in the Circuit Court of the Third Circuit, State of Hawaii, against SAFEWAY.

2. Upon information and belief, SAFEWAY states that no other party has been named or appeared in the action.

3. SAFEWAY was served with the complaint on June 21, 2017.

4. In her complaint, PLAINTIFF alleges that SAFEWAY is liable to her for damages in connection with an injury, a dislocated knee cap, while on SAFEWAY’s premises.

5. In her complaint, PLAINTIFF alleges that “Plaintiff IKUKO MUTO resided in the County of Hawaii, State of Hawai’i.”

6. SAFEWAY is a foreign profit corporation incorporated in the State of Delaware that is authorized to do business and is doing business in the County of Hawaii, State of Hawaii.

7. In the Complaint, PLAINTIFF prays for an award of

special damages, including past and future medical expenses and loss of income, general damages against SAFEWAY. However, because Hawaii law prohibits *ad damnum* clauses in complaints, PLAINTIFF does not specify the amount of damages that she prays for.

8. Upon information and belief, PLAINTIFF's alleged damages exceed the sum or value of \$75,000.00.

9. This court has original jurisdiction over civil actions where the matter in controversy exceeds the sum or value of \$75,000.00 and is between citizens of different States within the meaning of 28 U.S.C. §1332.

10. A true and correct copy of PLAINTIFF's complaint filed in the Circuit Court of the Third Circuit, State of Hawaii, is attached hereto as Exhibit "A", and comprises all process, pleadings, and orders served upon SAFEWAY in the action.

11. A true and correct copy of SAFEWAY's answer to PLAINTIFF's complaint filed in the Circuit Court of the Third Circuit, State of Hawaii, is attached hereto as Exhibit "B".

WHEREFORE, Defendant SAFEWAY INC. prays that the above-entitled action be removed from the Circuit Court of the Third Circuit, State of Hawaii, to the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, July 21, 2017.

/s/ Normand R. Lezy

NORMAND R. LEZY

MICHAEL J. NAKANO

Attorneys for Defendant

SAFEWAY INC.